

**DECLARATION UNDER 35 USC §371(c)(4) FOR
PCT APPLICATION FOR UNITED STATES PATENT**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, namely the invention entitled: TRAVEL MOTION CONTROL APPARATUS FOR HYDRAULICALLY DRIVEN VEHICLE, HYDRAULICALLY DRIVEN VEHICLE AND WHEEL HYDRAULIC EXCAVATOR

described and claimed in international application number PCT/JP03/04634 filed April 11, 2003.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

Under Title 35, U.S. Code §119, the priority benefits of the following foreign application(s) filed by me or my legal representatives or assigns within one year prior to my international application are hereby claimed:

Japanese Patent Application No. 2002-126313 diled April 26, 2002

The following application(s) for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to my international application, or (b) before the filing date of the above-named foreign priority application(s):

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC. CUSTOMER NUMBER (25944) TELEPHONE (703) 836-6400.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Typewritten Full Name of Sole or First Inventor:	<u>Hideki</u>			<u>HARAMOTO</u>		
		Given Name	Middle Initial	Family Name			
2	Inventor's Signature:	<u>Hideki</u>			<u>Haramoto</u>		
3	Date of Signature:	<u>Oct</u>	<u>13</u>	<u>2004</u>			
		Month	Day	Year			
	Residence:	<u>Tsuchiura</u>	<u>SPX</u>	<u>Ibaraki</u>	<u>JAPAN</u>		
		City	State or Province		Country		
	Citizenship:	<u>Japan</u>					
	Post Office Address:	<u>C/O HITACHI CONSTRUCTION MACHINERY CO., LTD.</u>					
		<u>TSUCHIURA WORKS INTELLECTUAL PROPERTY DEPT.</u>					
	(Insert complete mailing address, including country)	<u>650, Kandatsu-machi, Tsuchiura-shi, Ibaraki 300-0013 JAPAN</u>					

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

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10/512146

1 **Typewritten Full Name of Joint Inventor:** 2-00 Hidetoshi SATAKE
 Given Name Middle Initial Family Name

2 **Inventor's Signature:** Oct. 14-2004 Hidetoshi Satake
 49 14 13 2004

3 **Date of Signature:** Oct. 13 2004
 Month Day Year

Residence: Ishioka JPX Ibaraki JAPAN
 City State or Province Country

Citizenship: Japan ✓

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1 **Typewritten Full Name of Joint Inventor:** 3-00 Yukihiro JATSUNO
 Given Name Middle Initial Family Name

2 **Inventor's Signature:** Oct-14-2004 Yukihiro Tatsuno
 17 14 13 2004

3 **Date of Signature:** Oct. 13 2004
 Month Day Year

Residence: Tsukuba JPX Ibaraki Japan
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1 **Typewritten Full Name of Joint Inventor:** 4-00 Kazuhiro ICHIMURA
 Given Name Middle Initial Family Name

2 **Inventor's Signature:** Kazuhiro Ichimura

3 **Date of Signature:** Oct. 14 2004
 Month Day Year

Residence: Niihari JPX Ibaraki Japan
 City State or Province Country

Citizenship: Japan ✓

Post Office Address: C/O HITACHI CONSTRUCTION MACHINERY CO., LTD.
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Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

This form may be executed only when attached to the first page of the Declaration and Power of Attorney of the application to which it pertains.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hideki HARAMOTO et al.

Application No.: New U.S. National Stage of
PCT/JP03/04634

Filed: October 22, 2004

Docket No.: 121571

For: TRAVEL MOTION CONTROL APPARATUS FOR HYDRAULICALLY DRIVEN
VEHICLE, HYDRAULICALLY DRIVEN VEHICLE AND WHEEL HYDRAULIC
EXCAVATOR

**TRANSMITTAL OF POWER OF ATTORNEY AND
STATEMENT UNDER 37 CFR § 3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with 37 CFR §3.73(b), the undersigned hereby states that HITACHI CONSTRUCTION MACHINERY CO., LTD. is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. A copy of the assignment is attached hereto.

The undersigned is authorized to act on behalf of the assignee.

**ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD
BE SENT TO OLIFF & BERRIDGE, PLC, (CUSTOMER NO. 25944) TELEPHONE
(703) 836-6400.**

Respectfully submitted,



Thomas J. Pardini
Registration No. 30,411

TJP/emt

Date: October 22, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
米国特許商標庁において

GENERAL POWER OF ATTORNEY
包括委任状

Japanese Language General Power of Attorney

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Owner Name/所有者名 Hitachi Construction Machinery Co., Ltd.

上記所有者は、上記所有者が全てもしくは一部を所有する、この一般委任状が提出される如何なる及び全ての特許および特許出願、かつその全ての継続出願および分割出願を遂行するために、かつ米国特許商標庁において全ての業務を執行するために、記録上の弁護士として、Oliff & Berridge, PLC 顧客番号 25944 と関連した特許執行者をここに任命する。

hereby appoints the patent practitioners associated with Oliff & Berridge, PLC Customer No. 25944 as attorneys of record to prosecute any and all patents and patent applications in which this General Power of Attorney is filed, and all continuations and divisions thereof, owned in whole or in part by the above-named owner, and to transact all business in the Patent and Trademark Office.

下記署名者は、所有者として、もしくはは所有者の代理として、この書類を履行する権限を有する。

The undersigned is authorized to execute this document as or on behalf of the owner.

すべての連絡事項は、Oliff & Berridge, PLC、顧客番号 25944、電話番号 (703) 836-6400 に送付すること。

ALL CORRESPONDENCE SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NO. 25944, TELEPHONE (703) 836-6400.

6 Sept. 2004
Date/日付

Makoto Mihara
Signature/署名

Makoto MIHARA
Typed Name/タイプライターによる氏名

Title/ 役 職 Intellectual Property Dept.
名: General Manager
(if acting on behalf of an Owner)
(所有者の代理を務める場合)

Rec'd PET/PTO 22 OCT 2004
10/512146

ASSIGNMENT

(1-8) Insert Name(s) of Inventor(s)

- (1) Hideki, HARAMOTO (5) _____
 (2) Hidetoshi, SATAKE (6) _____
 (3) Yukihiro, TATSUNO (7) _____
 (4) Kazuhiro, ICHIMURA (8) _____

In consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned, each undersigned agrees to assign, and hereby does assign, transfer and set over to

(9) Insert Name of Assignee
 (10) Insert Address of Assignee

- (9) HITACHI CONSTRUCTION MACHINERY CO., LTD.
 (10) 5-1, Koraku 2-chome, Bunkyo-ku, TOKYO 112-0004 JAPAN

(hereinafter designated as the Assignee) and Assignee's heirs, successors, assigns and legal representatives, the entire right, title and interest for the United States of America as defined in 35 U.S.C. §100, in the invention, and in all applications for patent including any and all provisional, non-provisional, divisional, continuation, substitute, and reissue application(s), and all Letters Patent, extensions, reissues and reexamination certificates that may be granted on the invention known as

(11) Insert Identification such as Title, Case Number, or Foreign Application Number

- (11) TRAVEL MOTION CONTROL APPARATUS FOR HYDRAULICALLY DRIVEN VEHICLE, HYDRAULICALLY DRIVEN VEHICLE AND WHEEL HYDRAULIC EXCAVATOR
 (Attorney Docket No. _____)

for which the undersigned has (have) executed an application for patent in the United States of America on even date herewith or

(12) Insert Date of Signing of Application

- (12) on _____

(13) Alternative Identification for filed applications

- (13) U.S. application Serial Number _____
 filed _____

- Each undersigned agrees to execute all papers necessary in connection with any application and any continuing, divisional or reissue applications for the invention, and any patent(s) issuing thereon, and also to execute separate assignments in connection with such applications and patents as the Assignee may deem necessary.
- Each undersigned agrees to execute all papers necessary in connection with any interference which may be declared concerning any application or continuation or division thereof, or any patent or reissue application based thereon, for the invention, and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.
- Each undersigned agrees to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.
- Each undersigned agrees to perform all affirmative acts which may be necessary to obtain, maintain or confirm by reissue or reexamination a grant of a valid United States patent to the Assignee.
- Each undersigned authorizes and requests the Commissioner of Patents to issue any and all Letters Patents of the United States resulting from said application(s) to the said Assignee, as Assignee of the entire interest, and covenants that he has full right to convey the entire interest herein assigned, and that he has not executed, and will not execute, any agreements in conflict herewith, and agrees that this assignment is binding on him and his heirs, successors, assigns and legal representatives.
- Each undersigned hereby grants the firm of OLIFF & BERRIDGE, PLC the power to insert on this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date	<u>Oct. 13, 2004</u>	Inventor Signature	<u>Hideki HARAMOTO</u> (SEAL)
Date	<u>Oct. 13, 2004</u>	Inventor Signature	<u>Hidetoshi SATAKE</u> (SEAL)
Date	<u>Oct. 13, 2004</u>	Inventor Signature	<u>Yukihiro TATSUNO</u> (SEAL)
Date	<u>Oct. 14, 2004</u>	Inventor Signature	<u>Kazuhiro ICHIMURA</u> (SEAL)
Date	_____	Inventor Signature	_____ (SEAL)
Date	_____	Inventor Signature	_____ (SEAL)
Date	_____	Inventor Signature	_____ (SEAL)
Date	_____	Inventor Signature	_____ (SEAL)

This assignment should preferably be signed before: (a) a Notary Public if within the U.S.A. (b) a U.S. Consul if outside the U.S.A. If neither, then it should be signed before at least two witnesses who also sign here:

Date	<u>Oct. 18, 2004</u>	Witness	<u>Yoshiyuki Sugawara</u>
Date	<u>Oct. 18, 2004</u>	Witness	<u>Shinji Shimizu</u>

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